

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FOURTH DAY (CONTINUED) — WEDNESDAY, MAY 28, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 573).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Absent, Excused — Krusee; Smithee.

Absent — Oliveira; Wilson; Wolens.

The invocation was offered by W. N. Perkins, pastor, First Assembly of God Church, Kerrville, as follows:

Almighty God, our Father, we acknowledge that it is through your sovereign will that we are gathered here today. Holy scripture clearly directs us to pray for those in authority over us. At this moment, we do speak to you in prayer—for those in this chamber, who are in leadership for our state.

We confess that many of us have not prayed for these as your word directs. We ask for your forgiveness and pledge that every day we will pray earnestly and sincerely for them. I pray that thousands of fellow Texans will join me and be faithful to the command of holy scripture.

We acknowledge that the representatives of this chamber are ultimately accountable to you for how they lead this state under your guidance. Today may their dependence be first upon you. May they find strength in you, knowing that they have been called to serve and not to be served.

With the immense pressures of the office they hold, we pray that their physical, mental, and spiritual strength will be renewed every day. Keep them healthy and protect them from harm.

Father, we pray that you will give them insight on how to bring us together and heal our land. We pray for spiritual awakening in our state and nation, that will truly bring us together and heal our land as only you can.

May each one of this chamber know that they are never alone, that you, our God, are always with them. This we pray in the name of Jesus Christ, who is called the prince of peace, wonderful counselor, the mighty God, the everlasting Father. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Krusee on motion of Galloway.

The following member was granted leave of absence for today because of important business:

Smithee on motion of Chisum.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 71 and Senate List No. 36).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on **HB 4** and **HJR 4**, 11 a.m. today, appropriations committee room.

CAPITOL PHYSICIAN

The speaker recognized Representative B. Turner who presented Dr. James C. Womack of Bandera as the "Doctor for the Day."

The house welcomed Dr. Womack and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HCR 219 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 219**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 219, In memory of United States Border Patrol Agent Jefferson Barr.

HCR 219 was read and was unanimously adopted by a rising vote.

On motion of Representative Swinford, the names of all the members of the house were added to **HCR 219** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced members of Agent Jefferson Barr's family.

HR 903 - ADOPTED (by Junell)

Representative Junell moved to suspend all necessary rules to take up and consider at this time **HR 903**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 903, Recognizing May 28, 1997, as Elmer Kelton Day.

HR 903 was read and was adopted without objection.

On motion of Representative Nixon, the names of all the members of the house were added to **HR 903** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Junell, who introduced Elmer Kelton.

SCR 104 - ADOPTED (Chisum - House Sponsor)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **SCR 104**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 104, Expressing deep appreciation to Rita Tyson.

SCR 104 was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative B. Turner, who introduced a group of award-winning participants in the Governor's Keep Texas Beautiful program.

SCR 102 - ADOPTED (Bailey - House Sponsor)

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **SCR 102**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 102, Paying tribute to the memory of Assistant Fire Chief Dennis W. Holder.

SCR 102 was unanimously adopted by a rising vote.

HR 1164 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 1164**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1164, Congratulating Thomas and Aurelya Reid on their 50th wedding anniversary.

HR 1164 was adopted without objection.

HR 1163 - ADOPTED
(by Maxey)

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 1163**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1163, Honoring David Hagerla for his outstanding service as a legislative assistant.

HR 1163 was adopted without objection.

HR 1129 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 1129**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1129, Recognizing the Pecan Museum in Seguin.

HR 1129 was adopted without objection.

HR 1130 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 1130**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1130, Honoring Karen Simpson for her exemplary contributions to the New Braunfels Independent School District.

HR 1130 was adopted without objection.

HR 1131 - ADOPTED
(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 1131**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1131, Congratulating Ken McGuire on his retirement as principal of New Braunfels Middle School.

HR 1131 was adopted without objection.

HCR 303 - ADOPTED
(by Tillery)

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HCR 303**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 303, In memory of Major Audie Murphy.

HCR 303 was unanimously adopted by a rising vote.

HCR 308 - ADOPTED
(by Kamel)

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HCR 308**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 308, Commemorating Dr. George F. Hamm's distinguished tenure as president of The University of Texas at Tyler.

HCR 308 was adopted without objection.

HR 1145 - ADOPTED
(by Kamel)

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 1145**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1145, Honoring the Ramirez family of Tyler.

HR 1145 was adopted without objection.

HR 1159 - ADOPTED
(by Kamel)

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 1159**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1159, Honoring Pamela Boson Erwin for her contributions to the Tyler community.

HR 1159 was adopted without objection.

HR 1005 - ADOPTED
(by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 1005**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1005, In memory of the Honorable George "Geo." Daniel Holst.

HR 1005 was unanimously adopted by a rising vote.

HR 1061 - ADOPTED
(by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 1061**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1061, In memory of Gustave A. "Goose" Franzen.

HR 1061 was unanimously adopted by a rising vote.

HR 1146 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 1146**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1146, Commemorating the 50th anniversary of Pace Foods.

HR 1146 was adopted without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Carter requested permission for the Committee on Local and Consent Calendars to meet at this time.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, at this time, back hall.

INTRODUCTION OF GUESTS

The speaker recognized Representative Goodman, who introduced state law enforcement officers involved in the Fort Davis standoff.

HCR 269, commending the Texas Department of Public Safety for its effective handling of the Republic of Texas incident in Fort Davis, having been previously adopted, was read.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Rangel and Raymond, who introduced members of Texas Department of Public Safety Trooper Roel Garcia's family.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

LOCAL CALENDAR

SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

CSSB 1582 (Kuempel - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.

SB 1942 (Gallego - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Culberson County Groundwater Conservation District; granting the power of eminent domain; authorizing the issuance of bonds and the imposition of taxes.

Amendment No. 1

Representative Gallego offered the following amendment to **SB 1942**:

Amend **SB 1942** by striking Section 9 and substituting the following:

SECTION 9. ELECTION OF DIRECTORS. (a) On the first Uniform election day in May of the first year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors who shall each serve two-year terms and three directors who shall each serve four-year terms. The three directors receiving the most votes shall serve the four-year terms and the other two directors who are elected shall serve the two-year terms.

(b) Thereafter, on the first uniform election day in May of each subsequent second year, the appropriate number of directors shall be elected to the board.

Amendment No. 1 was adopted without objection.

SB 1949 was withdrawn.

SB 1956 (Hill - House Sponsor), A bill to be entitled An Act relating to the municipal courts of record in Garland.

CONSENT CALENDAR

SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption):

SB 24 (Telford - House Sponsor), A bill to be entitled An Act relating to the terms of the district courts in Bowie County.

SB 61 (Hilderbran and Naishtat - House Sponsors), A bill to be entitled An Act relating to the penalty for failure to report abuse of persons who are elderly or disabled.

SB 73 (Hirschi - House Sponsor), A bill to be entitled An Act relating to financial statements filed by judges of statutory county courts and statutory probate courts.

SB 115 (Maxey - House Sponsor), A bill to be entitled An Act relating to certain investigations conducted by the Department of Protective and Regulatory Services.

SB 116 was withdrawn.

SB 132 was withdrawn.

SB 136 was withdrawn.

SB 137 was withdrawn.

SB 138 was withdrawn.

SB 139 was withdrawn.

SB 140 was withdrawn.

SB 216 was withdrawn.

CSSB 294 (Maxey - House Sponsor), A bill to be entitled An Act relating to a study project involving the use of computer networks in public schools.

SB 322 (Holzheuser - House Sponsor), A bill to be entitled An Act relating to the filing of a petition stating an essential need for operating a motor vehicle.

SB 324 (Hawley - House Sponsor), A bill to be entitled An Act relating to application of the professional prosecutors law to the district attorney of the 24th Judicial District.

SB 344 (Brimer - House Sponsor), A bill to be entitled An Act relating to an exemption from ad valorem taxation for certain property acquired for use for a school.

SB 485 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the joint listing on an ad valorem tax appraisal roll of separate interests in minerals in place. (Finnell recorded voting present, not voting)

CSSB 521 (West - House Sponsor), A bill to be entitled An Act relating to parental consent for certain activities in public schools.

SB 577 - STATEMENT OF LEGISLATIVE INTENT

The compromise reached in **SB 577** retains existing exemptions from the Real Estate License Act for this activity and for employees and agents of businesses engaging in the work, creates a registration system for right-of-way consultants, and provides for a complaint system for aggrieved persons.

Holzheuser

SB 577 (Holzheuser - House Sponsor), A bill to be entitled An Act relating to licensing and registration requirements under The Real Estate License Act; providing a penalty.

SB 607 (Goodman - House Sponsor), A bill to be entitled An Act relating to the assignment of certain appellate judges and justices as visiting judges.

SB 636 (Staples - House Sponsor), A bill to be entitled An Act relating to assistance to certain surface coal mining operators in the preparation of surface coal mining permit applications and to the eligibility of land and water affected by coal mining for reclamation or abatement expenditures.

SB 642 (Carter and Brimer - House Sponsors) A bill to be entitled An Act relating to abatement of common nuisances.

Amendment No. 1 (Committee Amendment No. 1)

Representative Carter offered the following committee amendment to **SB 642**:

Amend **SB 642**:

1. On page 1, line 22, Delete Subsection (b), and replace with a new Subsection (b) as follows:

(b)(1) A person who knowingly maintains a multi unit residential property described by Subsection (c) to which persons habitually go to commit the following acts:

(A) aggravated assault as described by Section 22.02, Penal Code;

(B) sexual assault as described by Section 22.011, Penal Code;

(C) Aggravated sexual assault as described by Section 22.021, Penal Code;

(D) robbery as described by Section 29.02, Penal Code;

(E) aggravated robbery as described by Section 29.03, Penal Code; or

(F) unlawfully carrying a weapon as described by Section 46.02, Penal Code; and

(2) who has failed to make reasonable attempts to abate such acts maintains a common nuisance.

2. On page 2, delete line 16 and replace it as follows:
located in a municipality that has a population of at least 440,000.

3. On page 2, delete lines 17-19.

Amendment No. 1 was adopted without objection.

SB 662 was withdrawn.

HR 1169 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1169**, suspending the limitations on the conferees for **HB 2542**.

CONSENT CALENDAR
(consideration continued)

SB 679 was withdrawn.

SB 921 (Rabuck - House Sponsor), A bill to be entitled An Act relating to the creation of the East Montgomery County Improvement District; authorizing a tax. (Horn and Kubiak recorded voting no)

CSSB 1066 (Delisi - House Sponsor), A bill to be entitled An Act relating to procurement practices by health and human services agencies, by certain other agencies with programs related to health or human services, and by certain public and private local providers of health or human services.

Amendment No. 1

On behalf of Representative Puente, Representative Delisi offered the following amendment to **CSSB 1066**:

Amend **CSSB 1066** as follows:

(1) On page 1, line 10, strike "AND WORKERS' COMPENSATION COMMISSION".

(2) On page 1, lines 12 through 13, strike ", and to the Texas Workers' Compensation Commission".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Siebert, Representative Delisi offered the following amendment to **CSSB 1066**:

Amend **CSSB 1066** as follows:

(1) In SECTION 1 of the bill, in proposed Section 2155.144(e), Government Code, between "the agency" and "shall consult with", insert "shall notify the state auditor and" (house committee printing, page 2, between lines 25 and 26).

(2) In SECTION 1 of the bill, in proposed Section 2155.144(f), Government Code, between "goods and services" and the period, insert "before or after a warrant is issued to pay for an acquisition" (house committee printing, page 3, line 3).

Amendment No. 2 was adopted without objection.

CSSB 1107 (Oakley - House Sponsor), A bill to be entitled An Act relating to the provision of financial assistance to survivors of certain law enforcement officers, firefighters, and others. (Horn recorded voting no)

Amendment No. 1

On behalf of Representative Davis, Representative Moffat offered the following amendment to **CSSB 1107**:

Amend **CSSB 1107** as follows:

(1) In SECTION 2 of the bill, in proposed Section 615.021(a)(2)(C)(ii), Government Code, strike "individual died; or" and substitute "individual died; [or]" (House Committee Report, page 4, line 12).

(2) In SECTION 2 of the bill, in proposed Section 615.021(a)(2)(D)(ii), Government Code, between "died" and the period (House Committee Report, page 4, line 20) insert the following:

; or

(E) a surviving parent of the listed individual, if there is no surviving spouse, minor child, dependent parent eligible under Subdivision (2)(C), or dependent sibling eligible under Subdivision (2)(D)

(3) In SECTION 2 of the bill, between existing proposed Sections 615.021(a) and (b), Government Code (House Committee Report, page 4, between lines 20 and 21), insert the following:

(b) Payment of assistance may not occur under this subchapter unless an individual is eligible under Subsection (a).

(4) In SECTION 2 of the bill, in existing proposed Section 615.021(b), Government Code, strike "(b)" and substitute "(c)" (House Committee Report, page 4, line 21).

(5) Insert the following appropriately numbered SECTIONS in the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 615.024, Government Code, is amended to read as follows:

615.024. PAYMENT TO SURVIVING [~~DEPENDENT~~] PARENT. The state shall pay an eligible surviving [~~dependent~~] parent:

(1) \$50,000, if there is only one eligible surviving [~~dependent~~] parent; or

(2) \$25,000 each, if there are two eligible surviving [~~dependent~~] parents.

Section _____. Section 615.025(c), Government Code, is amended to read as follows:

(c) A payment under this section is in addition to any payment made under Section 615.024 to a surviving dependent parent.

Amendment No. 1 was adopted without objection.

CSSB 1153 (Heflin - House Sponsor), A bill to be entitled An Act relating to the appraisal and ad valorem taxation of certain types of personal property.

SB 1221 (Hernandez - House Sponsor), A bill to be entitled An Act relating to restricting written reports required from public school employees. (Corte recorded voting no)

SB 1240 (Maxey - House Sponsor), A bill to be entitled An Act relating to the state's purchasing of services for state agency clients.

SB 1249 (Pitts - House Sponsor), A bill to be entitled An Act relating to the sale of property for delinquent ad valorem taxes.

Amendment No. 1

Representative Pitts offered the following amendment to **SB 1249**:

Amend **SB 1249** as follows: On page 6, line 2, strike the number "1998" and substitute the number "1997". On page 6, line 3, strike the number "1998" and substitute the number "1997". On page 6, line 8, strike the number "1998" and substitute the number "1997". On page 6, line 9, strike the number "1998" and substitute the number "1997".

Amendment No. 1 was adopted without objection.

SB 1263 (Naishtat - House Sponsor), A bill to be entitled An Act relating to requiring the Texas Workforce Commission, local workforce development boards and centers, and certain employers to provide tax assistance to certain individuals and families. (Heflin recorded voting no)

Amendment No. 1

Representative Naishtat offered the following amendment to **SB 1263**:

Amend **SB 1263** as follows:

(1) On page 1, line 8, between "Commission" and "provide" strike "shall" and substitute "may".

(2) On page 1, line 21, between "Commission" and "provide" strike "shall" and substitute "may".

(3) On page 2, line 18, between "commission" and "work" strike "shall" and substitute "may".

(4) On page 2, line 23, between "commission" and "use" strike "shall" and substitute "may".

Amendment No. 1 was adopted without objection.

SB 1291 (Dutton - House Sponsor), A bill to be entitled An Act relating to permitting policyholder dividends for multiple lines of insurance.

SB 1309 (Thompson - House Sponsor), A bill to be entitled An Act relating to the regulation of the use of electroconvulsive therapy.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Flores on motion of Gutierrez.

CONSENT CALENDAR
(consideration continued)

SB 1384 (Hirschi - House Sponsor), A bill to be entitled An Act relating to counseling for certain persons in a suit for divorce or a suit affecting the parent-child relationship. (Horn and Kubiak recorded voting no)

SB 1412 (Danburg - House Sponsor), A bill to be entitled An Act relating to conduct requiring registration under the lobbying statute.

SB 1453 (Ramsay - House Sponsor), A bill to be entitled An Act relating to approval of the comptroller's account against the state.

SB 1469 (S. Turner - House Sponsor), A bill to be entitled An Act relating to certain construction projects managed by the General Services Commission.

CSSB 1486 (Siebert - House Sponsor), A bill to be entitled An Act relating to the regulation of motor carriers.

Amendment No. 1

Representative Siebert offered the following amendment to **CSSB 1486**:

Amend **CSSB 1486** as follows:

Strike Section 4 and renumber subsequent Sections accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Siebert offered the following amendment to **CSSB 1486**:

Amend **CSSB 1486** as follows:

- (1) On page 12, line 12, strike "when operated in intrastate commerce";
- (2) On page 12, line 15, strike "when operated in intrastate commerce".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Siebert offered the following amendment to **CSSB 1486**:

Amend **CSSB 1486** by adding an appropriately numbered section to read as follows and by renumbering the remaining sections as appropriate:

SECTION __. Subchapter A, Chapter 522, Transportation Code, is amended by adding Section 522.007 to read as follows:

Sec. 522.007. EXEMPTION FOR NEIGHBORING STATES. (a) The public safety director shall enter negotiations with an appropriate person or entity of a state bordering this state for the purpose of applying the exemption contained in Section 522.004(a)(1) to residents of that state.

(b) The public safety director may enter an agreement to apply the exemption contained in Section 522.004(a)(1) to residents of a bordering state only if that state extends a similar exemption to residents of this state.

Amendment No. 3 was adopted without objection.

CSSB 1563 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the objection to certain assigned judges.

SB 1576 (Swinford - House Sponsor), A bill to be entitled An Act relating to the development of performance measures by the Texas Agricultural Finance Authority.

SB 1611 was withdrawn.

SB 1653 (Culberson - House Sponsor), A bill to be entitled An Act relating to campus or campus program charters.

SB 1766 (Palmer - House Sponsor), A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of the Westworth Village-White Settlement Redevelopment Authority; granting the power of eminent domain.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Isett, Representative Palmer offered the following committee amendment to **SB 1766**:

Amend **SB 1766** as follows:

1. In Section 4, Subsection (1), on page 2, line 18, between "title" and "from", insert ", on approval by and in coordination with the governor,".
2. In Section 5, on page 3, line 18, between "exercise" and "all", insert ", on approval by and in coordination with the governor,".

Amendment No. 1 was adopted without objection.

SB 1787 (Patterson - House Sponsor), A bill to be entitled An Act relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit in certain areas. (Finnell and Kubiak recorded voting no)

SB 1825 was withdrawn.

SB 1831 (Kamel - House Sponsor), A bill to be entitled An Act relating to sanitary facilities required on the premises of certain applicants for an alcoholic beverage license. (Finnell and Heflin recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Goolsby, Representative Kamel offered the following committee amendment to **SB 1831**:

Amend **SB 1831** as follows:

(1) On page 3, line 7, following Section 1 of the bill, insert the following new section and renumber the subsequent sections appropriately:

SECTION 2. Sec. 438.034, Health and Safety Code, is amended to read as follows:

Sec. 438.034. EMPLOYEE CLEANLINESS. A person handling food or unsealed food containers shall:

- (1) maintain personal cleanliness;
- (2) wear clean outer garments;
- (3) keep the person's hands clean; and

(4) either (A) wash the person's hands and exposed portions of their arms with soap and water before starting work, during work as often as necessary to avoid cross-contaminating food and to maintain cleanliness, after smoking, eating, and each visit to the toilet or (B) avoid bare-hand contact with exposed food by use of gloves or utensils and hand wash after smoking, eating, and each visit to the toilet.

Amendment No. 1 was adopted without objection.

CSSB 1910 (Glaze - House Sponsor), A bill to be entitled An Act relating to the regulation of poultry operations. (Heflin recorded voting no)

SB 1918 (Greenberg - House Sponsor), A bill to be entitled An Act relating to the operation and administration of the Texas School for the Deaf.

SB 1919 (Greenberg - House Sponsor), A bill to be entitled An Act relating to the operation and administration of the Texas School for the Blind and Visually Impaired.

SB 1943 (Kuempel - House Sponsor), A bill to be entitled An Act relating to validating the creation and certain actions of the Comal County Fresh Water Supply District No. 1.

Amendment No. 1

Representatives Kuempel and King offered the following amendment to **SB 1943**:

Amend **SB 1943** as follows:

In SECTION 4, delete subsection (4), substitute the following, and add a new subsection (5):

(4) All governmental acts and proceedings of the Comal County Fresh Water Supply District No. 1 not excepted in this Act taken before May 20, 1997, are validated as of the dates on which they occurred.

(5) This Act does not validate any governmental acts or proceedings which were void or which, under the statutes of this state at the time the actions or proceedings occurred, were a misdemeanor or felony.

Amendment No. 1 was adopted without objection.

SB 1954 was withdrawn.

SB 1955 (Walker - House Sponsor), A bill to be entitled An Act relating to the transfer of certain occupational certification and licensing programs administered by the Texas Natural Resource Conservation Commission.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

SCR 44 (Counts - House Sponsor), Encouraging the Texas Board of Criminal Justice, Texas Youth Commission, Juvenile Probation Commission, county commissioners, and sheriffs to support faith-based correctional programming and facilities

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Alexander, Representative Counts offered the following committee amendment to **SCR 44**:

Amend **SCR 44** on page 2, line 15, by striking ", church-centered", and on page 3, line 17 by striking ", church-based and".

Amendment No. 1 was adopted without objection.

SCR 44, as amended, was adopted without objection.

SCR 51 (Raymond - House Sponsor), Directing the Texas Department of commerce to increase technology-based investments in the state.

SCR 51 was adopted without objection.

SCR 77 (Counts - House Sponsor), Recommending that the purchase of the Allens Creek Reservoir site be ranked as a high priority by the Texas Water Development Board.

SCR 77 was withdrawn.

HCR 278 (by McClendon), Directing the Department of Public Safety to study the feasibility of implementing a COP program statewide.

HCR 278 was adopted without objection.

HCR 279 (by McClendon), Directing the Texas Department of Health to study the state's implementation of the federal requirements under EPCRA.

HCR 279 was adopted without objection.

SB 1949 - OBJECTIONS WITHDRAWN

Objections were withdrawn to **SB 1949** which was previously withdrawn from the local, consent, and resolutions calendar.

SB 1949 (E. Reyna - House Sponsor), A bill to be entitled An Act relating to the powers, duties, administration, financing, and operation of the Falcon's Lair Utility and Reclamation District; granting the authority to issue bonds.

SB 1949 was read second time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative E. Reyna offered the following committee amendment to **SB 1949**:

Amend **SB 1949** as follows:

(1) In Section 4 (proposed Section 20A(b), Chapter 935, Acts of the 69th Legislature, Regular Session, 1985), page 3, lines 10-12, of the bill, strike the following:

"If the board determines there is a benefit to the district, the district may provide an improvement or service to an area outside the boundaries of the district."

(2) In Section 4 (proposed Section 20A(c), Chapter 935, Acts of the 69th Legislature, Regular Session, 1985), page 3, line 15, of the bill, strike "recreational facilities.".

Amendment No. 1 was adopted without objection.

SB 1949, as amended, was passed to third reading.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CSSB 662 - OBJECTIONS WITHDRAWN

Objections were withdrawn to **CSSB 662** which was previously withdrawn from the local, consent, and resolutions calendar.

CSSB 662 (Carter and Hupp - House Sponsors), A bill to be entitled An Act relating to the unauthorized practice of chiropractic; providing civil and administrative penalties and injunctive relief.

CSSB 662 was read second time.

Amendment No. 1

Representative Carter offered the following amendment to **CSSB 662**:

Amend **CSSB 662** as follows:

By inserting on page 2, line 8 of the bill between the word "facility" and the semicolon the following:

"provided, however, nothing in this section shall permit the Board to adopt a rule to require that a person who owns, maintains or operates a chiropractic facility be a licensed chiropractor"

Amendment No. 1 was adopted.

CSSB 662 was withdrawn.

SCR 77 - OBJECTIONS WITHDRAWN

Objections were withdrawn to **SCR 77** which was previously withdrawn from the local, consent, and resolutions calendar.

SCR 77 (Counts - House Sponsor), Recommending that the purchase of the Allens Creek Reservoir site be ranked as a high priority by the Texas Water Development Board.

SCR 77 was adopted without objection. (Burnam, Danburg, Ehrhardt, Hirschi, Horn, and Naishtat recorded voting no)

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Friday, May 30.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, on adjournment today, Desk 133, to consider the calendar.

ADJOURNMENT

Representative Yarbrough moved that the house adjourn until 1:15 p.m. today.

The motion prevailed without objection.

The house accordingly, at 1:11 p.m., adjourned until 1:15 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 71

HB 1703, HB 1751, HB 1756, HB 1780, HB 1960, HB 2078, HB 2169, HB 2202, HB 2203, HB 2213, HB 2221, HB 2222, HB 2227, HB 2257, HB 2273, HB 2309, HB 2564, HB 2622, HB 2633, HB 2634, HB 2671, HB 2731, HB 2749, HB 2779, HB 2795, HB 2868, HB 2919, HB 2982, HB 2997, HB 3027, HB 3074, HB 3076, HB 3077, HB 3078, HB 3105,

HB 3106, HB 3176, HB 3330, HB 3368, HB 3436, HB 3437, HB 3557, HB 3566, HB 3569, HB 3591, HCR 2, HCR 23, HCR 149, HCR 151, HCR 156, HCR 168, HCR 209, HCR 211, HCR 212, HCR 228, HCR 232, HCR 235, HCR 236

Senate List No. 36

SB 79, SB 95, SB 135, SB 143, SB 220, SB 291, SB 310, SB 325, SB 333, SB 455, SB 474, SB 495, SB 502, SB 631, SB 672, SB 882, SB 1137, SB 1354, SB 1514, SB 1566, SB 1568, SB 1596, SB 1624, SB 1929, SJR 17

MESSAGE FROM THE SENATE

The following message from the senate was today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, May 28, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2909 Carter SPONSOR: Patterson
Relating to persons eligible for a license to carry a concealed handgun, to the rights and duties of license holders, and to certain offenses involving weapons.
(AMENDED)

HCR 45 Eiland SPONSOR: Patterson
In memory of Edna Seinsheimer Levin.

HCR 124 Allen SPONSOR: West
Recognizing March 12, 1997, as Grand Prairie Day at the Capitol.

HCR 213 Eiland SPONSOR: Patterson
Congratulating the Friendswood High School Academic Decathlon team.

HCR 277 Jones, Jesse SPONSOR: Cain
Congratulating Willie Lee Campbell Glass on her receipt of an Iowa State University alumni award.

HCR 299 Turner, Bob SPONSOR: Brown
Instructing the enrolling clerk of the house of representatives to make a correction to **HB 1144**.

HCR 301 Goodman SPONSOR: West
Instructing the enrolling clerk of the house of representatives to correct **HB 1917**.

HCR 304 Yarbrough SPONSOR: Whitmire
In memory of Naomi Stribling Vanduring.

HCR 307 Siebert SPONSOR: Cain
Instructing the enrolling clerk of the house of representatives to correct **HB 2101**.

Respectfully,

Betty King
Secretary of the Senate

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